

400 Garden City Plaza - Ste 300
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
email: lntprop@ssmp.com

**SCULLY, SCOTT, MURPHY
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To: Examiner: James D. Rutten
Group Art Unit: 2122
United States Patent & Trademark Office

From: Steven Fischman

Fax: 1-571-273-8300

Pages: 32 (Including fax cover sheet)

Phone:

Date: November 21, 2005

Re: Brian Gerard Goodman.
U.S. Patent Appin. No. 10/083,784
Our Docket: 14942

CC:


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Attached for submission to the U.S. Patent and Trademark Office are the following:


- **Certificate of Transmission by Facsimile (2)**
- **Amendment Transmittal Letter (2)**
- **Amendment and Response Under 37 C.F.R. §1.116 (27 pgs.)**

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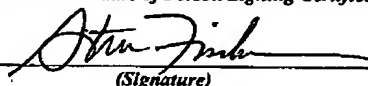
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AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. TUC920010094US1 (14942)	
Applicant(s): Brian Gerard Goodman						
Application No. 10/083,784	Filing Date February 26, 2002	Examiner James D. Rutten	Customer No. 23389	Group Art Unit 2122	Confirmation No. 4375	
Invention: BACKGROUND CODE UPDATE FOR EMBEDDED SYSTEMS						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	41 -	44 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	5 -	5 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0449/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: November 21, 2005			
Steven Fischman Registration No. 34,594 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343			<div style="border:1px solid black; padding:5px; margin-bottom:5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)</div> <div style="border:1px solid black; padding:5px; margin-bottom:5px;">_____ Signature of Person Mailing Correspondence</div> <div style="border:1px solid black; padding:5px;">_____ Typed or Printed Name of Person Mailing Correspondence</div>			
SF/BMM:ej						
CC:						

P11LARGE/REV09

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. TUC920010094US1 (14942)	
Applicant(s): Brian Gerard Goodman						
Application No. 10/083,784	Filing Date February 26, 2002	Examiner James D. Rutton	Customer No. 23389	Group Art Unit 2122	Confirmation No. 4375	
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CLAIMS AS AMENDED						
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TOTAL CLAIMS	41 -	44 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	5 -	5 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0449/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Brian Gerard Goodman			TUC920010094US1 (14942)
Application No. 10/083,784	Filing Date February 26, 2002	Examiner James D. Rutten	Group Art Unit 2122
Invention: BACKGROUND CODE UPDATE FOR EMBEDDED SYSTEMS			
<p>I hereby certify that this <u>Amendment and Response Under 37 C.F.R. Sec. 1.116</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>)</p> <p>on <u>November 21, 2005</u> (Date)</p> <p style="text-align: right;"><u>Steven Fischman</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV02

**RESPONSE UNDER 37 C.F.R.
§1.116 EXPEDITED PROCEDURE
EXAMINING GROUP 2122**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 21 2005

Applicants: Brian Goodman

Examiner: James D. Rutten

Serial No.: 10/083/784

Art Unit: 2122

Filed: 2/26/2002

Docket: TUC920010094US1 (14942)

For: BACKGROUND CODE UPDATE
FOR EMBEDDED SYSTEMS

Conf. No.: 4375

Dated: November 21, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.116

Sir:

This document is submitted in response to the Final Office Action mailed November 21, 2005. No new matter has been introduced.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: November 21, 2005


Steven Fischman